

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GILFORD LOVELL,

Plaintiff,

vs.

**9:18-CV-685
(TJM/DJS)**

**BRIAN F. MCAULIFFE, Superintendent,
Riverview Correctional Facility, et al.,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action, brought pursuant to 42 U.S.C. § 1983, to Magistrate Judge Christian F. Hummel for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that Defendants, Corrections Officers and officials at a New York Correctional Facility, violated his rights by forcing him to cut dreadlocks in his beard, which violated his Rastafarian religious beliefs.

Magistrate Judge Hummel's Report-Recommendation, dkt. # 38, issued on July 14, 2020, recommends that Defendants' motion for summary judgment be granted.

Magistrate Judge Hummel finds that, even if Plaintiff could establish that Defendants violated Plaintiff's constitutional rights by forcing him to cut the dreadlocks in his beard, the right to grow facial hair that conforms to a prisoner's religious beliefs was not firmly established, and qualified immunity therefore applies.

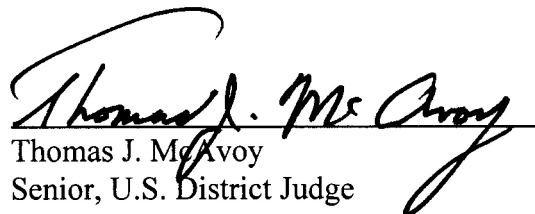
Plaintiff did not object to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Hummel, dkt. # 38, is hereby **ACCEPTED** and **ADOPTED**. Defendants' motion for summary judgment, dkt. # 32, is hereby **GRANTED**, and the Complaint is **DISMISSED**. The Clerk of Court is directed to **CLOSE** the case.

IT IS SO ORDERED.

Dated: August 21, 2020


Thomas J. McAvoy
Senior, U.S. District Judge